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NOTE VERBALE DATED 16 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF THE NETHERLANDS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Kingdom of the Netherlands to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to paragraph 13 of Security Council resolution 841 (1993), has the honour to inform him on the measures taken by the Kingdom of the Netherlands to implement the aforementioned resolution. It is recalled that the Kingdom consists of three countries, the Netherlands, the Netherlands Antilles and Aruba.

Paragraphs 5 and 6

On 24 June 1993, the Council of the European Community issued EC regulation No. 1608/93 introducing an embargo concerning certain trade between the European Community and Haiti. This regulation, inter alia, prohibits (article 1):

- the sale or supply of petroleum and petroleum products listed in an annex to any person or body in Haiti or to any person or body for the purpose of any business carried on in, or operated from, Haiti;

- the promotion of the aforementioned transactions;

- the entering of the territory or the territorial sea of Haiti by any means of transport carrying petroleum or petroleum products listed in the annex.

On 25 June 1993, the Netherlands Government issued a decree (Sanctiebeschikking aardolie(-produkten) en wapens Haiti 1993) concerning petroleum and arms sanctions against Haiti which reiterated in article 1 the contents of article 1 of EC regulation 1608/93 and additionally extends this to arms and arms-related matériel specified in annexes reflecting the stipulations of Security Council resolution 841 (1993).

Paragraph 7

An exemption is being made in EC regulation 1608/93 for the export of petroleum or petroleum products which are authorized by the Security Council Committee established by resolution 841 (1993) (article 2). The sale or supply

to Haiti of petroleum or petroleum products which are not prohibited under article 1 shall be subject to prior authorization to be issued by the competent authorities of the member States (article 3).

The Netherlands decree determines that dispensation of the Minister of Economic Affairs is needed for exemptions to the prohibitions mentioned in article 1 (article 2).

Paragraph 9

EC regulation 1608/93 stipulates that article 1 shall apply notwithstanding any rights or applications conferred or imposed by any international agreement or any contract into or any licence or permit granted before 23 June 1993 (article 4).

The same content is reiterated in article 3 of the Netherlands decree, adding arms and arms-related matériel.

Paragraph 8

On 23 June the Netherlands Government issued a decree (Sanctiebeschikking financiele dienstenverkeer Haiti) concerning financial sanctions against Haiti. Article 1 stipulates that anyone is prohibited, except with dispensation granted by or on behalf of the Minister for Foreign Affairs and the Minister of Finance, from performing, whether directly or indirectly, any act of management or disposal with regard to funds or assets held with banks or other financial institutions established in the Netherlands and which are owned by or available to, directly or indirectly, wholly or mainly, the Republic of Haiti or the de facto authorities in the Republic of Haiti. Article 2 prohibits cooperation in acts mentioned in article 1.

Pursuant to Organization of American States resolution 3/92 of 19 May 1992, the Netherlands Antilles, on 18 September 1992, imposed an embargo on the export and import of arms and arms-related goods and petroleum and petroleum products (Landsbesluit houdende Algemene Maatregelen). With respect to paragraph 7 of resolution 841 (1993), the Netherlands Antilles issued a decree on 8 July 1993. It is furthermore in the process of finalizing other measures in order to implement resolution 841 (1993).

On 23 February 1993 Aruba imposed a comprehensive trade embargo against Haiti exempting only the export or transit of essential humanitarian supplies and medicines to Haiti (Landsbesluit economische sancties Haiti). On 7 July 1993 Aruba implemented paragraph 8 of resolution 841 (1993) by freezing Haitian funds and prohibiting payments to the Haitian Government and related bodies (Landsbesluit financiele sancties Haiti).